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C O N F I D E N T I A L MANILA 004500

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TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)
SUBJECT: MARINE CASE UPDATE 10/27/06

REF: MANILA 4449 AND PREVIOUS

Classified By: Ambassador Kristie A. Kenney for reasons 1.4
(b) and (d).

¶1. (C) A verdict in the case of the four Marines accused of raping a Filipino woman is expected November 27. While we cannot predict what the verdict might be, the Embassy's Marine Case Working Group (with input from visiting III MEF officers) is finalizing post-verdict plans that take into account security, public affairs, transportation, financial, and immigration concerns. Immediately following the Judge's verdict, any or all Marines acquitted will be transported via a U.S. military aircraft directly to Okinawa. Any or all Marines found guilty will be returned to Embassy custody, pending decisions on incarceration or appeals issues. In the event the verdict involves any civil (monetary) damages against them, the four Marines have arranged to pre-pay each of their attorneys \$2,000, which would be used by the attorneys themselves to pay directly to the court if needed.

¶2. (U) An independent U.S. television producer planned to interview two of the Marines -- SSgt Chad Carpentier and LCpl Daniel Smith -- on October 27 for a proposed television documentary about the court system in the Philippines. It is not clear when or where the interview might be aired, as the freelance producers have not yet sold the program to any network. Carpentier and Smith requested and received Embassy approval of this interview, and provide a written assurance of their lawyers' consent. They agreed in writing to standard guidelines only to discuss their case as individuals, and not address larger issues such as the Visiting Forces Agreement or U.S. Marine Corps policies.

¶3. (U) Emboffs at all levels will continue to decline to speculate publicly or privately on the verdict or its possible aftermath, while continuing to underscore the presumption of innocence of the accused. Current public affairs talking points on this case remain unchanged:

- This has been an emotional and difficult case for everyone involved.
- It is the principle of Philippine and American law that anyone accused of a crime is presumed innocent until proven guilty. The U.S. is committed to seeing that justice is served, through a fair and impartial process that can provide for a just outcome.
- The U.S. has cooperated with Philippine authorities in accordance with the Visiting Forces Agreement since day one. The case is being tried by a Philippine judge under Philippine jurisdiction.
- It would be inappropriate for the United States to speculate on the verdict that the Philippine judge may

render.

14. (U) The Embassy continues to provide security, citizen services, and other support to the defendants. RSO was consistently pleased with the extent and quality of security support provided by the mayor's office and police department, and expects the same level of cooperation on the day of the verdict. The Consular Section has responded to family member inquiries. Embassy continues to provide access to some fitness and sports facilities on the Chancery grounds for the four Marines.

Visit Embassy Manila's Classified website:
<http://www.state.sgov.gov/p/eap/manila/index.cfm>

KENNEY